

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	M.W. Brown et al.	Examiner	Jungwon Chang
Serial No.	09/848,166	Group Art Unit	2154
Filed	May 3, 2001	Docket No.	AUS920000712US1
TITLE	METHOD, SYSTEM, AND PROGRAM FOR PROVIDING USER LOCATION INFORMATION WITH A PERSONAL INFORMATION MANAGEMENT PROGRAM		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted via the EFS-Web system to Examiner Jungwon Chang at the U.S. Patent Office on January 8, 2007.

/David Victor/

David W. Victor

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

Applicants request a pre-appeal brief review of the Examiner's rejection of claims 1-4, 6-8, 11-14, 15, 16, 18, 19, 22-26, 28-30, 33-38, 40, 41, 44-48, 50-52, 55-60, 62, 63, 66-68, and 73-95 as obvious anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over prior art.

The Examiner rejected pending claims 1-3, 8, 11-16, 18, 19, 22-25, 30, 33-38, 40, 41, 44-47, 52, 55-60, 62, 63, 66, 67, 73-77, 79-84, 86-91, and 93-95 as anticipated (35 U.S.C. §102(e)) by Blants (U.S. Patent No. 6,732,080).

For independent claims 18, 40, and 62, Applicants request review because nowhere does the cited Blants disclose the claim requirements of processing the position coordinates and time information of a wireless device to determine whether a change in a series of position coordinates indicates a predefined activity for a selected time interval.

The Examiner cited FIG. 4, block 204 of FIG. 5, col. 2, lines 16-52, col. 3, lines 31-37, col. 13, lines 47 to col. 14, line 11 and col. 14, line 27 to col. 15, line 33 of Blants. (Final Office Action, pg. 3)

The cited col. 2 mentions that scheduled services are rescheduled when a conflict in the user's schedule between different services as to time and/or location, which is dependent on a position stored in the calendar, is detected. The location signal of the mobile terminal may be used to provide the scheduled services or alerts. The scheduling and a calendaring server, responsive to the actual location of the mobile terminal or a location, signals when a conflict exists as a result of the mobile terminal's current location or a location involving a scheduled

calendar service. Thus, the cited col. 2 discusses using the mobile terminal's position to determine whether there is a conflict between a scheduled service and the location.

The Examiner has not cited any part of col. 2 that discloses the claim requirements of processing the position coordinates and time information to determine whether a change in a series of position coordinates indicates a predefined activity for a selected time interval. Instead, the cited col. 2 discusses determining whether there is a scheduling conflict based on the mobile terminal's current position and the user's calendar schedule.

The other cited sections of Blants are similarly deficient. The cited col. 3 mentions that the calendaring and scheduling server maintains the calendar and updates the calendar as the location of events in the calendar changes, such as scheduled user services which are provided to the user by at least one service provider. This cited col. 3 concerns updating a calendar schedule, but nowhere discloses or concerns the claim requirement of processing the position coordinates and time information to determine whether a change in a series of position coordinates indicates a predefined activity for the user.

The cited cols. 13-14 mentions that actualized events can effect planned events when a conflict is detected. Rescheduling occurs if a conflict exists with the same service or a different service. The cited cols. 14-15 further discusses detecting when a conflict exists and rescheduling the scheduled service so that the conflict does not exist. For instance, a determination of the conflict can be made by computing the distance between the scheduled service and the current location and dividing by the maximum possible speed to determine if it is physically impossible to arrive at the airport. Further, the software may suggest a new service for the user as a substitute service if there is a conflict.

Again, the cited cols. 13-15 concern detecting conflicts based on a current position of the mobile terminal and scheduled services. Again, nowhere do the cited cols. 13-15 disclose or mention the claim requirements of processing the position coordinates and time information to determine whether a change in a series of position coordinates indicates a predefined activity for the user.

With respect to independent claims 1, 23, and 94, the Examiner cited the same above discussed sections of Blants as disclosing the claim requirements of processing the position coordinates and time information of a wireless device to determine whether a change in a series of position coordinates at times indicates a predefined activity of the user occurring during an

activity time period during which the position coordinates and the time information were generated. (Final Office Action, pg. 4).

Applicants request review of the rejection of independent claims 1, 23, and 94 for the reasons discussed above with respect to claims 18, 40, and 62 and submit that nowhere do the cited sections of Blants disclose or concern the claim requirement of processing the position coordinates and time information of a wireless device to determine whether a change in a series of position coordinates indicates a predefined activity for the user.

Applicants request review of the rejection of claim 67 for the reasons discussed with respect to claims 1 and 23, because the cited Blants does not disclose the claim requirements concerning the predefined activity.

Applicants request review of the rejection of claims 2, 3, 46, and 47 on the grounds that the cited Blants does not disclose the claim requirements concerning receiving from the wireless device and storing the generated position coordinates (or determined locations) and time information in a database. With request to the requirements for storing the location and time information, the Examiner cited col. 13, line 59 to col. 14, line 11 and 14, lines 42-51. (Final Office Action, pgs. 4-5).

The cited cols. 13-14 discusses the selection of a new event based an a profile of the user stored in a database of the calendar and scheduling server that includes one or more preferred user service provides to use to reschedule services. The cited col. 14 further mentions that the calendaring and scheduling server stores event locations, time of scheduled events.

Nowhere do the cited cols. 13-14 disclose a database storing generated position coordinates (or determined locations) of the user of the wireless device. Instead, the cited calendaring and scheduling server stores preferred service providers and event locations of scheduled events.

Applicants further request review of the rejection of claims 76, 83, and 90, which depend from claims 73, 80, and 87, and further require that determining the predefined activity comprises determining a rate of change in distance per unit of time of the position coordinates during the activity time period. The Examiner cited the above discussed sections of Blants, discussed with respect to independent claims 18, 40, and 62, with respect to these claims. (Third Office Action, pg. 10).

Although the cited Blants discusses how to detect a conflict based on the current location of the user and a scheduled service and whether the user can travel to the scheduled service in time based on a current location, the Examiner has not cited any part of Blants that discloses determining the predefined activity by determining a rate of change in distance per unit of time of multiple position coordinates. Instead, the cited Blants discusses considering a single position coordinate and the location of a scheduled service to detect a conflict. The cited Blants does not disclose determining a rate of change in distance per unit of time of multiple position coordinates to determine a predefined activity.

Claims 77, 84, and 91 depend from claims 1, 23, and 45 and additionally require that the predefined activity is a member of a set of predefined activities comprising at least one of driving, walking, running, bicycle riding, and flying in an airplane. The Examiner cited FIG. 3 of Blants as disclosing the additional requirements of these claims. (Final Office Action, pg. 10) Applicants traverse.

The cited FIG. 3 shows a personal calendar having scheduled events. (Blants, col. 12, lines 41-55) The event type indicates the type of the scheduled event, such as driving, airline flight, etc. See, Fig. 3. Applicants request review because the cited scheduled event activities in FIG. 3 does not disclose the claim requirement of a predefined activity determined based on change of a series of position coordinates of a wireless device.

Dated: January 8, 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) AUS920000712US1																	
I hereby certify that this correspondence is being transmitted via the EFS Web System to the USPTO on <u>January 8, 2006</u> Signature <u>/David Victor/</u> Typed or printed name <u>David W. Victor</u>	Application Number 09/848,166		Filed 2001-05-03																
	First Named Inventor Michael Wayne Brown																		
	Art Unit 2154	Examiner Jungwon Chang																	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding: 5px;"><u>/David Victor/</u></td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding: 5px;">Signature</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent of record. 39,867 Registration number _____</td><td style="vertical-align: top; padding: 5px;">David W. Victor</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; padding: 5px;">Typed or printed name</td></tr><tr><td></td><td style="vertical-align: top; padding: 5px;">310-556-7983</td></tr><tr><td></td><td style="vertical-align: top; padding: 5px;">Telephone number</td></tr><tr><td></td><td style="vertical-align: top; padding: 5px;">January 8, 2006</td></tr><tr><td></td><td style="vertical-align: top; padding: 5px;">Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	<u>/David Victor/</u>	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature	<input checked="" type="checkbox"/> attorney or agent of record. 39,867 Registration number _____	David W. Victor	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Typed or printed name		310-556-7983		Telephone number		January 8, 2006		Date
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	January 8, 2006																		
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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